

FILED IN OPEN
COURT - 01.25.10
SF

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

Chapter 13
Case No. 09-44760
Adversary Proceeding No. 09-04190

In re:

Carmen Bailey

Debtor

Carmen Bailey
Plaintiff

vs.

Wells Fargo Bank, NA
Defendant.

DEFENDANT, WELLS FARGO BANK, NA'S OPPOSITION TO PLAINTIFFS'
MOTION FOR RECONSIDERATION OF MOTION FOR TEMPORARY
RESTRAINING ORDER

Now comes the Defendant, Wells Fargo Bank, NA (hereinafter "Wells Fargo") and opposes Plaintiff's Motion for reconsideration of Temporary Restraining Order. As grounds thereof Wells Fargo asserts that Plaintiff has not demonstrated that she will suffer irreparable harm in the absence of injunctive relief. Further, Plaintiff fails to state a claim against Wells Fargo., for which relief can be granted pursuant to 12(b)(6) and as such fail to demonstrate any likelihood of success.

Wherefore, Wells Fargo requests that this Honorable Court deny Plaintiff's Motion for Temporary Restraining Order and grant Wells Fargo such further relief as is appropriate and just.

As further support for this Opposition, Wells Fargo refers to the attached Memorandum in Support of its Opposition to Plaintiff's Motion for Temporary Restraining Order, filed herewith.

Respectfully submitted,
WELLS FARGO BANK, NA
By its attorney,

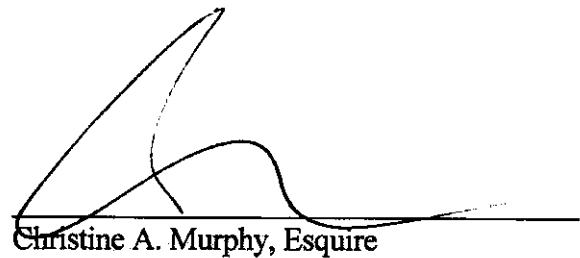

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DATED: January 25, 2010

CERTIFICATE OF SERVICE

I, Christine A. Murphy, state that on January 25, 2010, I served the foregoing Opposition to Plaintiff's Motion for Reconsideration of Temporary Restraining Order and Certificate of Service on behalf of Defendant, Wells Fargo Bank, NA via in hand to the following:

Michael J. Tremblay
277 Main Street
Marlborough, MA 01752



Christine A. Murphy, Esquire

January 25, 2010